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May 4, 2020

VIA E-MAIL

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Re: Notice of Intent: Portland Harbor Superfund Site – UAO for Remedial Design in
the River Mile 2 East Project Area

Dear Ms. Mairs and Ms. DeMaria:

We provide this letter on behalf of EVRAZ Inc. NA (“Evraz”) in response to the Unilateral Administrative Order for Remedial Design at the River Mile 2 East Project Area for the Portland Harbor Superfund Site, Index No. CERCLA-10-2020-0051 (“Order”).

Evraz states that it intends to comply with all lawfully issued terms and requirements of the Order that apply to it.

By this notice, Evraz does not waive any of its rights or defenses. Nothing in this letter should be construed to limit the claims and defenses that Evraz may raise in any future proceeding by EPA or any other person. Evraz specifically reserves its rights and defenses regarding EPA’s

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decisions and actions pursuant to the Order, in adopting the prescribed remedy for the site, and in responding to comments regarding the site and the remedy. Evraz also reserves all rights it may have under Section 106(b)(2) of CERCLA to recover amounts expended to comply with all or part of the Order.

Nothing in this letter, including the stated intention of Evraz to comply, constitutes an admission of any factual allegation or legal conclusion in the Order. Nor is this a confession of liability for any matters described in the Order or elsewhere.

Evraz is issuing this Notice of Intent due to the extreme sanctions that the Order threatens. Evraz continues to object to EPA's unwillingness to negotiate in good faith the terms of an Agreed Order, and to EPA's action in imposing the Unilateral Order on Evraz under threat of extreme sanctions.

In its previous communications to EPA, Evraz has raised serious objections to and concerns about EPA's failure to act lawfully, to EPA's selected remedy for the Portland Harbor site, and to EPA's process and procedures for selecting that remedy and responding to comments. We discussed some of those concerns in our letter dated April 14, 2020.

By issuing this Notice of Intent, Evraz does not abandon those objections and concerns. In that letter of April 14, Evraz provided specific written comments on the Order. Evraz incorporates those written comments here, and has not abandoned them.

Paragraph 41 of the Order purports to require Evraz to describe any "sufficient cause" defense to the Order it may assert under Section 106(b) and Section 107(c)(3) of CERCLA. Evraz objects to this supposed requirement. Section 106 does not authorize EPA to require Evraz at this time to describe any "sufficient cause" defenses it may have to compliance with the Order. Evraz stated many such defenses in its April 14th letter, and reserves its right to raise those, and any additional defenses, at any time they may become applicable, whether or not specifically stated in this letter or in Evraz's prior communications to EPA.

Section 106 of CERCLA does not authorize EPA to mandate the certification and potentially perpetual document retention requirements in Paragraph 74 of the Order. Evraz objects to those requirements. In addition, Evraz faces practical constraints regarding compliance with the requested certification, given the two decades that have already passed since EPA listed the site. Evraz has submitted exhaustive responses to EPA's 104(e) letter, and has exercised due diligence to preserve records and documents in its possession since receiving notification of its potential liability under CERCLA from the EPA.

We appreciate that EPA has made some of the requested changes to the Statement of Work, although we are disappointed that EPA has not materially revised the Order to rectify the problems we brought to your attention in our letter of April 14th and in previous communications.

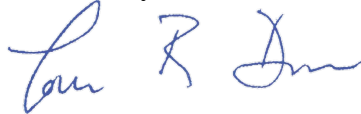
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Nonetheless, we look forward to a cooperative working relationship with EPA, and other parties, with respect to the Remedial Design for the project area.

Please include this letter in the Administrative Record for this matter. Evraz reserves the right to supplement the Record at appropriate times and as issues may arise.

Sincerely,



Beveridge & Diamond, P.C.
Counsel for EVRAZ Inc. NA

By: Loren R. Dunn
Principal

cc: Eileen Tierney, General Counsel and Corporate Secretary – EVRAZ Inc. NA
Debbie Silva, Environmental Specialist – EVRAZ Inc. NA